

**LEGAL FRAMEWORK OF AGRICULTURAL  
PRODUCTION AND TRADE IN ECUADOR**

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## LEGAL FRAMEWORK OF AGRICULTURAL PRODUCTION AND TRADE IN ECUADOR

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### I. LAND PROPERTY REGIME

#### 1. Private property, property of the Government and public domain of the Nation regimes

Property of land in Ecuador follows broadly the Roman Napoleonic system, in what the land is either privately owned or it appertains to the public domain of the Nation. Under this scheme, the State and other governmental bodies, such as municipalities, own land in the same fashion as individuals and private corporations do. In the other hand, the public domain category defines land as commonly owned by all citizens of the Nation, and gives these lands a distinct set of rules for its management. Public land must always be legally defined, as it is not accepted in the Ecuadorian legislation the “natural public domain” notion that styles other laws, as the Spanish one, pursuant its National Constitution. In Ecuador, there are certain goods declared constitutionally as “public domain” of the Nation. The Constitution declares waters and “non-renewable natural resources” as public domain of the State. After the Constitution, those resources comprise the products of the soil and the subsoil, including minerals and, among it, hydrocarbons, even if it is found in the seabed of the territorial sea. The Civil Code and the Maritime Police Code assigns beaches and estuarine waters to the public domain of the Nation. Law also declares biodiversity as public domain of the Nation. The legal effect of these declarations of lands or goods as appertaining to the public domain category is to submit its use and exploitation to administrative leases or permits, that do not allow for transfers on perpetuity to individuals or corporations.

In fact, social, economic, and environmental concerns have superseded such clear cut approach of “private property – public domain” as it is designed in the Civil Code. Instead, the agrarian reform policies and laws of the Sixties and Seventies assigns all derelict land to the Government in a way that did not fit any of the “privately owned” or public domain civil code schemes. Effectively, the Government can not dispose of these lands at its convenience, as in privately owned property; neither these land is considered as “common property” of the citizens of the Nation. These derelict lands were allocated to the government agency charged with land reform, IERAC, under the category of “IERAC’s estate” and were reserved exclusively for its concession to peasants. Even if the law changed recently in the Nineties with whole new concepts, it still mandates all derelict land to be allocated to the governmental agency –formerly IERAC, nowadays INDA. Since all derelict land appertains to the IERAC’s estate, no one, not even peasants, can acquire it by long or indefinite tenure –by prescription. Without INDA transfer, occupants of these lands will always be qualified as squatters, unless the lots they occupy are formally sold to them by the governmental agency. Furthermore, the governmental agency INDA (formerly IERAC), can expropriate agriculture lands for a number of reasons, in order to allocate it to individuals, pursuant the law. More on expropriation of rural land will be discussed elsewhere in this report.

The Forestry and Natural Areas Law in 1981 established new land categories. Those are forestry heritage of the Nation, natural areas (parks and reserves) heritage of the Nation

and “protective forest and vegetation”. Each one of these categories carry the application of different rules that impose special restrictions on its uses and exploitation, as it will be studied below.

Pursuant the Criminal Code it is a felony for governmental officers to authorize illegally the change of regime of land, from protected areas or exclusive agricultural use, to other uses. There is no a known “exclusive agricultural use” legal statute, but it might be established in the National Plan of Land Uses, determined by the Law of Environmental Management. So far, the plan has not being approved or drafted.

Finally, the communal land regime must be mentioned. Pursuant the Constitution these lands are owned collectively by native communities and cannot be dismembered, divided into lots among commoners or transferred in any way to third parties, even if many coastal zone communities sell “possession rights” –effectively indefinite leases.

## **2. Expropriation of rural lands pursuing the Law of Agrarian Development. Expropriation pursuing Forestry Law, because of declaration of protected area (natural areas heritage). Other expropriations: roads, municipal land development, and environmental purposes**

The Ecuadorian Constitution recognizes and guarantees the right to own land, including agricultural land. The proviso of this constitutional right says that use of the property must comply with its “social functions”. Social function is fulfilled when the goods are vowed “toward a general increase and redistribution of income, which allows citizens’ access to benefits of riches and economic development”. Conversely, pursuant the constitutional provision, the expropriation of private land for social purposes, can only be executed in cases expressly determined by law, and under their terms and procedures. Before expropriation of lands, fairly assessed compensation, and damages must be paid to the owner. Therefore, no confiscation is permitted under the law.

Causes and procedures for expropriation are found in laws on agricultural development, protected areas, roads; and municipal land planning, for environmental and social housing purposes. Expropriation of agricultural lands that are under agricultural exploitation in order to switch it to other non-agricultural uses requires a previous and favorable advice from the Minister of Agricultural. An exception to this proviso is the expropriation of lands for construction of public works.

Pursuing the Law of agricultural development, the National Institute of Agricultural Development (INDA) can expropriate lands that do not comply with its “social functions”. The causes for expropriation are,

- 1) Property is labored by unpaid and precarious workers that deliver part of their crops to the owner in exchange for the use of the land.
- 2) Practices that lead to decay or degradation of natural resources, including use of inept technologies or pesticides dangerous and damaging to the environment, that are forbidden in Ecuador or in the countries that manufacture it.
- 3) Lack of works or dereliction of land beyond two consecutive years. Ecological sensitive or protected areas or lands that have suffered because of floods are exempt from this obligation.
- 4) Demographic pressure on lands that do not comply it social function or governmental land use plans and that are adjacent to human settlements of peasants.

It must be said that since the enactment of the Law of Agrarian Development, in 1994, expropriations of farms have drastically been reduced. This new Statute and its by-law rather emphasize the mandate to INDA of legalizing land titles to actual possessors.

Law also provides for expropriation of lands zoned for parks and reserves. There is not a single known instance of an expropriation for this cause in Ecuador. Nevertheless, in certain cases, agricultural farms have been affected by declarations of protected areas. Those farms, notwithstanding, were not expropriated but their productive activities have been somehow restricted, as it is the case of at least one farm in the Cotopaxi National Park.

Road construction may affect private property in two ways. Lands are liable to be expropriated for construction of public roads. Once constructed the road, the Government exerts an easement on the adjacent zone, which imposes determined duties on the owner of the land. The Government must pay the fair price and damages for the expropriation of land crossed by the road. However, it deducts from this payment the actual betterment in the value of the property that accrues to the owner because of the public works.

Finally, the Constitutions provide the right of municipalities to expropriate lands for purposes of future housing developments and for environmental considerations. The law accords to the owner the right to reclaim in court the expropriated land if within a certain term it is not used for the purported end.

In all the cases mentioned, affected owners can dispute the legality of the expropriation and the fairness of the payment and damages accorded. The former is contended in a judicial administrative process and the latter a civil court.

### **3. Registry of land and assessment (DINAC)**

All rightful transfer of land must be inscribed in the Register of Property of the county, in order to be valid. Limitations on the property, such as mortgages are also recorded in the Registry. Most lands in the country are also inscribed in the national and municipal cadasters and are subject to assessments by DINAC, a governmental agency of the Ministry of Urban Development and Housing. The cadaster also serves as the basis for determining the amount to pay for rural property municipal taxes, that includes certain exceptions.

### **4. Easements: of access, of water, of ways, of paved roads, for mineral prospecting and exploitation**

Easements on rural land are addressed mainly by the civil code, but can be found in other statutes as well. The nature of easement in the Ecuadorian law is not very different that the usual easements found under common law, to wit: access, ways, waters, etc. They can also be created voluntarily by contracting parties. There are certain laws that establish special kinds of easement like the right of way for roads, mentioned earlier. Easement of waters is regulated in the Law of Waters. Under this statute, landowners must allow construction of infrastructure for irrigation across their lands. This includes spaces for ways alongside the channels. Government personnel in charge of the repair works are to be allowed into the property whenever it is required. The servient tenement, i.e. the land which is subject to the easement, is supposed to leave natural overflows of higher lands to run through its own surfaces. In case of division of lands, each one of the resulting has rights to easements for the conduction of the waters, with the intervention of the government agency.

The government is entitled to bestow mineral leases to third parties on private lands to exploit construction materials, like stone, sand, etc., but owners of the property have to authorize it beforehand by public instrument certified by a public notary.

### **5. Possession injunctions and property actions**

The legitimate owner of the land has rights to seek from the administrative authorities and from the judiciary defense against any encroachment of its property rights. Administrative remedies against “invaders” are addressed in the by-law of the Law of Agrarian Development. The civil code gives jurisdiction to civil judges to decree injunctions that return possessors the possession of the land. Civil judges also adjudicate the disputes about the actual property of



the land. Still, these cases could take longer to be resolved, as there is recourse of its adjudication all the way up to the Superior Court and the procedure of cassation at the Supreme Court.

## **II. LAND USE AND ZONING**

### **1. Limitations and constraints for developments determined by the declaration of forestry heritage. Forest and protective vegetation zoning. Forestry lands in private property**

As it was discussed earlier, the Law of Forestry creates three different land regimes that establish grounds for expropriation of private property or give way to restrictions of rights of the legitimate owners. Pursuant this law, the Ministry of the Environment is entitled to expropriate lands that are within a territory that have been declared as a protected area. The protected area category determines a management of the land that emphasizes the conservation. In the other hand, the declaration of an area as “forest heritage” addresses the sustainable forestry use of those territories. As there is not dedication to conserve the land but to use it, expropriation of the properties found within the boundaries of the “forest heritage” is not allowed, and their owners or ancestral possessors keep these plots. By the fact that those lands are within the forest heritage, it is considered that the main destiny of the land is forestry, subjected to management plans approved by the Government. Plans for agricultural use could require environmental impact assessment. Another occurrence is the zoning “protective forest and vegetation” that can be legally declared inside public or private property. It also requires plans of management that determines more or less severe constraints on its uses and the activities that can be conducted on it. In this case, as in the other ones mentioned, before the protective declaration studies must be developed that demonstrate that such restrictive measures are appropriate because of the protective nature of the soils and the need to conserve wild fauna and flora found within its boundaries. Other legitimate reasons for the protective declaration are defense of watersheds, ecological equilibrium, defense against winds, to constitute area of research, etc.

Land acquired through concession of the National Institute of Agrarian Development (INDA) is also subject to plans of development, environmental restrictions and conditions that allow INDA to declare void and null the concession because of breach of engagements.

Forestry land is defined as land destined to forestry because of its placement, for its natural conditions or ineptitude to sustain agricultural exploitation. Natural forest also fit into this category. It is legally mandatory for landowners to afforest “forestry lands” that are devoid of vegetation. The management of productive forest within private property is subjected to governmental approval.

### **2. Other zonings: minimum distance between agricultural lands and shrimp ponds, municipal zoning**

Even before occurrences of contamination of shrimp ponds caused by agricultural pesticides, a minimum distance of five hundred meters was mandatory, between cultivation fields and exterior walls of the shrimp ponds.

In several instances, the Ministry of Agriculture has determined a special land regime (zones of intervention) in the coastal zone. The vast territories affected were the areas of influence of the hydraulic works constructed by CEDEGE at the watershed of the river Guayas and the Peninsula of Santa Elena. The main effect of the designation of zones of intervention is the prohibition of land transfer, subject to possible expropriation by the Institute of Agrarian Development (INDA). The designation of those zones has changed several times in the last years and has not resulted in a number of expropriations.

### **3. Land use quotas allocated to banana growers**

Banana grow is the only Ecuadorian agricultural activity subject to constraints to production and commercialization. It is still in force prohibition to increase the surface allocated to banana grow that was determined at the beginning of the Nineties. By 1998, some additional planting was permitted, allegedly to compensate for losses incurred during El Niño floods.

### **4. Obligation to work in the land, to sow, to use appropriate agricultural practices and prohibition to use certain pesticides**

The Ecuadorian Constitution guarantees “the development of economic activities, through a juridical order and institutions that promote, foster and generates confidence”, but also conditions the right to own property in rural lands to the compliance of the “social function” mandate. Accordingly, the law provides that rural property ownership is guaranteed as far as it is effectively worked, the land is producing, the renewable natural resources are conserved, and the ecosystems are protected. Finally, the persistent use of chemical products forbidden by law is a cause for expropriation, when these practices continue after repeated warning from government authorities. Other causes for expropriation related to the environment are the indiscriminate felling or burning of forest and agricultural practices that severely erosion the soils.

### **5. Watershed development regime**

There are several policy and legal declaration regarding the convenience of comprehensive watershed development. Nevertheless, no one legal provision is operative in the sense that it might be possible to infer from it any enforceable duty whatsoever for whoever. Elsewhere in this report, restrictions to transfer of land in the basin of river Guayas were mentioned. No other legal occurrences of such constraints are known. In addition, the protection of watersheds justifies the declaration of the “protective forest and vegetation” ecological zoning, even on private lands.

## **III. PUBLIC LAND AND FOREST HERITAGE AREAS LEASE AND CONCESSION TO PRIVATE PERSONS AND CORPORATIONS**

### **1. Public domain and its concession to private persons (peasants and their organizations, communities and private corporations)**

In theory, even a private corporation could aspire to buy public lands from the National Institute for Agrarian Development (INDA) for agricultural development or even for construction of shrimp ponds. Pursuant the Law of Agrarian Development the possible buyers of public land are individuals, cooperatives, enterprises, indigene communities, organization or associations, provide their management plans do not affect the environment. Concession of land to ancestral possessors is considered just a government recognizance of a right, free of any charge. Previous occupation of the land for more than five years gives title to squatters to a concession, paid accordingly to market value. The law considers long deferments –up to ten years— on payment of land sold to peasants, indigenes, or Afro-Ecuadorians. The law does not contemplate any restriction or limiting condition on the full property of the land after INDA transfers the land. However, in fact the title of the transfer of the land includes a few limiting provisos that effectively transform the transfer in an indefinite lease.

INDA also sells land to individuals or corporations on coastal areas for shrimp pond construction and development, in so-called “high lands”, as INDA have no title on “low lands”, i.e. beaches and mangroves. These zones are included into the public domain zones and can not appertain to any private individual.



## **2. Leases of coastal public land for shrimp pond development**

Beaches, mangrove, and estuarine areas only can be leased, but not sold, to individuals and corporations. There is a special procedure for leases of lands to be used for shrimp pond constructions. The terms and procedure of these leases are in quite different bodies of law than the regulations concerning agricultural land.

## **3. Leases of heritage of forestry public lands for log exploitation**

The category of use “forestry heritage” as defined by the Law of Forestry vows those areas to sustainable forestry uses. In the other hand, the category “protected area heritage” only permits conservation that does not alter or modify wild fauna and flora habitats and forbids the development of any productive activity within its boundaries.

Leases of forestry public lands to Ecuadorian individuals or corporations for sustainable use of forest are called “contracts of use”, have duration of three to ten years, and are renewable. There is no ceiling for the surface of the areas involved, but a bid is needed for leases exceeding one thousand hectares. For ten thousand hectares or larger leases, a permit of the President of the Nation is required. Besides the accorded payment, the leasee must agree to reforest the land or to pay reforestation rights. Wood processing industries can obtain leases of land in order to log the forest, and to reforest the logged surfaces. The leased surface can not exceed the fifty-percent of the processing capacity of the wood industry.

Any of these contracts or leases has seldom, if ever, being entered, but the legal provisions are there and are still valid.

# **IV. WATER LAW**

## **1. Water rights allocation and changes. Groundwater**

After the Constitution and the Law of Waters, all waters in Ecuador are considered public domain of the State. Consequently, its use is subject to lease of the governmental agency and submission to legal duties. This regime affects not only superficial waters, but also groundwater and even the waters that naturally overflow or run through the surface of the land. The owner of the land that receives these waters has rights to use freely it for domestic uses and to water herds. Groundwater users are except of payment of right of waters to the governmental agency for a period of ten years, but they must seek a previous authorization for the respective works. The lease of waters is of indefinite duration for the intended use, but for other uses, the landowner must seek additional permits. Effectively, the law determines different titles for domestic, irrigation, hydropower dams, mining processing uses, etc. Only domestic use is exempted from the obligation to obtain a lease. The governmental agency can assign the same waters for different compatible uses, but no one of these uses could diminish or impede a user with previous title to employ the allocated amount of water. Hydraulic works need also an express permission from the governmental agency.

## **2. Water rights are automatically transferred with the sale of the land**

Previous water rights are automatically transferred to the new owner alongside the sale of the land. Of course, every new use will require a permit for it. Upon presentation of titles of land transfer, the governmental agency will re-allocate the rights of waters entirely or proportionally to the fraction of the land sold.

## **3. Water use conflicts and solutions**

Water agencies have power to resolve conflicts among users. Appeals to the respective resolution are resorted to the Consejo Consultivo de Aguas (Consultative Counsel of Waters). Fi-

nal administrative resolution could be appealed to an intermediate judicial body for trials on administrative matters and to the Supreme Court. Curiously, the assignation of water rights is considered contentious matter, and as such, is known by the same Water Agencies, according to districts. It is possible for association of users of a water irrigation system to agree on arbitration for conflict resolution among themselves, according to law.

#### **4. Infrastructure works for irrigation**

All infrastructure works for irrigation are subjected to mandatory studies and standards as well as approval of the governmental agency. Works executed without permits can be forcibly removed. In the other hand, infrastructure works necessary to avoid damages to other users of waters must be executed by landowners. By default the governmental agency can construct the works by itself and charge the cost to the property owner.

The Constitution attribute to Government the duty to deliver irrigation considered as a “public service”. Irrigation can be rendered to users directly or through governmental, private or mixed (governmental and private) stock corporations. The actual infrastructure works could be constructed through leases to private enterprises or can be allocated to private investors by transfer of stock of corporations. Contracts entered to accomplish these purposes can not be changed unilaterally by any law or decree whatsoever.

### **V. INSTITUTIONAL AND ADMINISTRATIVE GOVERNMENTAL ORGANIZATION**

#### **1. The scope of governmental power, control and regulation of agricultural production and trade**

Traditional paternalistic public policies on agriculture have slowly faded through the last two decades. At the beginning of the Nineties, many governmental powers to intervene markets, including storing, direct commercialization of certain staples, price setting, etc. were suppressed. The power to expropriate agricultural farms, whose price was paid after long delays at below the market prices, disappeared altogether. Still, welfare State views are persistent and make good standing for social legislation. Therefore, new legislation revamps price controls under certain conditions, explained elsewhere in this report. Imports and exports were declared free and could nominally not be subject to any limitation, beyond environmental or cultural heritage considerations. However, restrictions still apply both to exports and to imports, which are also deal with in other part of this report. Ranges of prices (franjas de precios) for imports apply to a few staples. Finally, the government has the power to impose, under certain conditions, quotas of agricultural products from abroad to safeguard national output.

In any case, there is a great difference with the former system, in what measures of governmental intervention are limited to a few cases. Authorities have no discretionary power to implement those controls and restrictions, but must follow express mechanisms determined by the law. Another difference is that most measures are conceived only as provisory.

The national planning office, at the vice-presidency of the Nation, designs economic and social policies and drafts general projects, and plans, to be implemented by the Executive branch. Secretaries of State in charge of different aspects of agriculture production and commercialization are the ministries of Agriculture, Foreign Commerce and Industries, and Environment. Ministries of Labor and Public Health should be mentioned too. Agencies and collegiate bodies involved are COMEXI, the Waters Council (CNRH), National Institute of Agricultural Development (INDA). The semiautonomous agency INIAP and private but official non-profit corporation for promotion of exports (CORPEI) are part of the general government actions and policies. Take also into account the general legislation that applies to agriculture production and commercialization, whose main statutes are listed in the annex to this report. Local and regional infrastructure public works for agriculture is generally designed, planned

and executed or contracted by Governmental Corporations of Development. The better known and best financed of those is the Commission for Studies for the river Guayas Water Basin (CEDEGÉ), that is in charge of the biggest public works for irrigation, drainage and hydroelectric power in the country.

The Central Bank of Ecuador keeps a registry of foreign, sub-regional and “neuter” investments –those considered neither of the aforementioned nor nationals.

Other public and private institutions that law mention are the Ministry of Foreign Relations, the National Financial Corporation (CFN), and the provincial commissions to promote exports and investments.

## **2. The planning office, governmental ministries and agencies, and economic sectors**

The former Planning Agency (CONADE) was suppressed in the Constitution of 1998 and a new planning office works in the headquarters of the Vice-presidency of the Nation. After constitutional law, the initiatives of plans and projects designed by this office are mandatory to ministries and public agencies of the government. Those plans are “indicative” for private individuals and corporations. This phrasing must be interpreted as meaning that plans and projects approved by the planning office could give clues as to the economic sectors and activities where government expenditures would be placed. No other effect on private investment might be inferred from the mentioned constitutional provision.

## **3. Ministry of Agriculture and Livestock. Import and export policies and restrictions. Permits for pesticides. Sanitary services**

The Ministry of Agriculture and Livestock (MAG) is the secretary of State in charge of agricultural matters. The Minister of Agriculture chairs the boards of the Water Council (CNRH) and of the National Institute for Agrarian Development (INDA). Furthermore, he seats in the Council of Foreign Commerce and Investments (COMEXI), and is a member of the board of the private non-profit corporation for promotion of exports (CORPEI), among several other members both from the private and from the public sector. Before COMEXI enacts regulations on foreign commerce and investments regarding agriculture, the advice of the Ministry of Agriculture must be heard. COMEXI is presided by the President of the Nation or his delegate. This Secretary of State is also connected to the semi autonomous National Institute of Agricultural Research (INIAP).

Besides designing sector policies for agriculture, the Ministry of Agriculture lodges the sanitary services for animal and vegetal products (SESA), and controls the imports and use of pesticides for agriculture.

The ministry has assembled a series of committees integrated with producers of different agricultural staples to seek advice and to concert public policies on commercialization and pricing mechanisms. As mentioned earlier, the Ministry is involved in the setting of prices of banana for export, that is the only agricultural product subject to such procedure.

Forest policies and management are attributed to the ministry of the Environment.

## **4. Institute of Agrarian Development (INDA). National Council of Water Resources (CNRH) and the Water Agencies**

The Institute of Agrarian Development (INDA) owns all derelict land in Ecuador. Its main endeavor is to legalize titles of land already adjudicated to and possessed by individuals and associations of peasants. INDA has powers to expropriate rural properties to owners that do not comply with the mandate to use and exploit the lands according to its “social functions”. It has been mentioned elsewhere in this report the causes that could originate a procedure of expropriation of lands by INDA. The Minister of Agriculture or his deputy is the chairperson of the board of INDA.

The National Council of Water Resources (CNRH) is a collegiate body that designs water policies and establishes regulations and standards, as well as adjudicates water rights, through the agencies of waters. The Minister of Agriculture or his deputy is the chairperson of this Council. An accessory body to the CNRH, the Consultative Counsel of Waters, is the appellate administrative organ that resolves water conflicts and rights of water allocation. Governmental and private construction of infrastructure is subject to regulations and standards of the CNRH, but regional corporations of development and provincial councils execute public works of irrigation.

## **5. Ministry of Foreign Commerce, Industrialization and Fisheries and COMEXI**

The Minister of Foreign Commerce designs foreign commerce and investment policies. He has powers to apply policies and safeguard measures to prevent and to correct unfair, restrictive or damaging foreign commerce measures, like dumping or illegal subsidies, from alien countries that could affect national production. The Foreign Commerce and Investment Council (COMEXI) enacts regulations for prevention and control, according to MICIP background reports. MICIP is the siege of INÉN, the governmental agency that sets quality, sanitary and environmental standards and accredits laboratory systems for certification of compliance of the mentioned items.

COMEXI is a Council that integrates several members both from the government and from the private sector. The representative of the President of the Nation chairs the Council, and the Minister of Foreign Commerce acts as a vice-chair. COMEXI has vast normative powers regarding matters of foreign commerce and investment, and especially to impose temporary compensatory rights and tariffs, antidumping and safeguard measures to correct unfair and anomalous commercial practices from abroad, that could damage national production. All these measures must be taken within the framework of the World Trade Organization (WTO) procedures.

## **6. The Ministry of the Environment and standards and regulations. EIAs, and environmental permits. Access to biodiversity permits. Sanctions for environmental damages**

The Ministry of the Environment sets environmental regulation and standards and manages forestry as well as natural areas and wild flora and fauna in Ecuador. The Ministry issues environmental “licenses” for economic activities and establishes the conditions of mandatory environmental impact studies and assessments. This Secretary of State drafts the technical regulations on environmental matters and submits it to the President of the Nation, to be enacted as Executive Decrees. A collegiate body presided by the Minister enacts environmental standards. The Ministry designs the national plan of land use.

So far, no by-law regarding the aforementioned matters has been enacted. So, the endorsement of environmental licenses and approval of environmental impact studies and assessments might proceed in a discretionary fashion. There is not known or discussed draft or project of a “national land use plan”.

According to the Convention on Biodiversity and a couple of “decisions” from the Andean Community the ministry bestow “access” permits for biodiversity prospecting be it in public or in private lands.

The Minister may impose fines not superior to US \$ 800 to private individuals and corporations that fail to warn him opportunely about actual or potential environmental damages caused by their activities.

## **VI. REGULATIONS, RESTRICTIONS AND CONSTRAINTS TO AGRICULTURAL PRODUCTION AND TRADE. REGULATIONS ON LABOR**

### **1. Sanitary regulations**

Animal and vegetal sanitary services are an office of the Ministry of Agriculture: the Ecuadorian Sanitary Service of Agriculture and Livestock (SESA). Its mission is to supervise the fitozoosanitary status of plants, animals, agricultural and livestock products and sub-products. Moreover, it endeavors to avert propagation of foreign plagues and the increase of those already present in Ecuador. In order to fulfill its purposes SESA's mandate is to work with the private and the communal sector in the fitozoosanitary control, inspection and quarantine certification, record of pesticides and biological inputs for agriculture and veterinary products. This reference to biological inputs for agriculture could be interpreted as including supervision of genetically altered food and agricultural products as a power of SESA. This should be harmonized with the authority that law attributes to the Ministry of the Environment to enact regulations on biosafety, as well as propagation, experimentation, use, commercialization and import of genetically altered organisms.

Provisions of the laws on animal and vegetal sanitation empowers the Minister of Agriculture to forbid imports of microorganisms, imports that in any case are subject to previous authorization of the Minister and a fitosanitary permit from SESA. The ministry can impose as well, zones of observation and quarantine, where the danger of animal and vegetal plagues or diseases is feared and, the case being, may declare an "fitosanitary emergency".

### **2. Import of agricultural products and inputs. Import, commerce, storage and use of pesticides for agriculture**

Pursuant the law "imports (may only be subject to) ... tariffs, in case it is legally prescribed, the value added tax (IVA), the special consumer tax, the provisory compensatory or anti-dumping rights or the application of temporary measures of safeguard that could be adopted in order to prevent unfair commercial practices in the framework of the World Trade Organization (WTO) regulations; plus the rates of the services effectively rendered". Prior to approval of the importation form (Documento Único de Importación—DUI), a previous authorization for importation of the Ministry of Agriculture is required.

After the engagements of Ecuador under the World Trade Organization (WTO) regime, a regulation on periodic tariff contingencies (i.e. quotas to import agricultural products) determine allocation of these contingents (quotas) through the agricultural stock exchange (Bolsa Nacional de Productos Agropecuarios) system. Tariff contingencies periods are established according to national harvest and perspectives of possible oversupplies of agricultural products, within the framework of the WTO rules.

Any branch of national producers or association of local producers can initiate an enquiry looking to curb unfair imports of foreign products, that includes dumping and forbidden subsidies.

Controls of SESA cover internal transportation as well as import and export of vegetal and animal products.

The Minister of Agriculture controls national manufacture, imports, commercialization, and use of pesticides in Ecuador. The Minister, through SESA, keeps a Register of all pesticides legally authorized. He may reject authorization of pesticides that damages the health of consumers or pollutes the environment.

Persistent use of pesticides that are forbidden in the countries that manufacture it, even if those are not prohibited in Ecuador, allows the INDA to contemplate a possible expropriation of the corresponding farmland.



### **3. Export of agricultural products regime**

All Ecuadorian exports, with the exception of hydrocarbons, are free of any tax. Still, a couple of products, namely cocoa and coffee, must pay mandatory charges, by services rendered. Only the law can establish procedures and payment of duties for export. All products can be exported. Exceptions are those items 1. Declared as part of the cultural heritage of the Nation or 2. Specimens of endangered wildlife, according to the international Convention CITES. Quotas and temporary restrictions may be imposed to comply with international conventions (For example, the Basel Convention on transboundary Movement of Hazardous Waste and their Disposal) or to prevent local depletion of vital staples. For determination of declared value of exports that do not have a referential minimum price, as bananas do have, regulations of the World Trade Organization will be applied. As mentioned, controls of SESA cover internal transportation as well as importation and exportation of vegetal and animal products.

A *de facto* charge to exportation is the fee paid to the national agricultural stock exchange for trade of products for export in a few cases in which trading is mandatory (cacao, rice, and staples included in the tariff contingencies—*vid supra*).

### **4. Price control of banana for export. Ceiling to surface increase of banana plantations**

Banana is the main agricultural staple for export in Ecuador. Still it is the only product, agricultural or whatsoever, subject to prices controlled by the government. The ministers of Agriculture and of Foreign Trade periodically determine de “minimum sustentation price” that exporters must paid to producers. Those authorities establish as well the “minimum referential price” (FOB) that exporters may declare. Banana plantation surfaces can not be increased according to the same law.

### **5. Legislation on protection of consumers and price control for staples. Regulation on retail pricing (“speculation”). Global political bona fide “contracts” between Government and industrial producers)**

The Law of Protection of Consumers allows control of prices in exceptional cases, where the President of the Nation is entitled to temporary regulation of prices of goods and services. The background of such measures must be one of “unjustified price increases originated in the economic situation of the country”. The rule will last for a period not exceeding six month, but it may be renewed if the circumstances warrant it. The law asks that effects of the measure on supplies are duly taken into account. Pursuant this law and the Criminal Code. “speculation”, including concealment, of products and prices fall under the jurisdiction of police authorities.

On January 2000, the previous President of the Nation decreed a freeze on the prices of products of basic domestic consumption and ordered the ministers of Agriculture and Foreign Commerce to determine prices of agricultural and industrial products, respectively.

To the present date, the Minister of Agriculture has entered a number of bona fide accords with branches of agricultural products –committees of concert. Those committees discuss matters concerning production, commercialization, industrialization, and foreign trade of the pertinent product.

### **6. Code of Labor and regulations. Minimum wages fixed by the Government according to branches of activities. Percentage of profits of enterprises paid to workers. Partial time, periodical regimes**

The labor legislation determines minimum wage for agricultural laborers, which is different from the minimum wage set for urban workers. However, branches of agricultural workers can also fall under wages set by special “sector” commissions. General provisions of the Code of Labor on working hours, resting periods, holidays, and similar matters apply to agricultural



workers. Provisions on work contracts accorded by periods of hours, temporary and occasional ones also apply to agricultural workers. Pursuant the Law of Agrarian Development the owner of the land can enter with the agricultural workers into contracts of association, provided that such contract or whatever other contract entered between employers and workers are authorized by law.

## **VII. SUSTAINABLE DEVELOPMENT OF AGRICULTURE**

### **1. Environmental legislation applied to agriculture. Land uses regulation. Water pollution**

All works and investment be it public or private, which might create an impact to the environment, requires previous assessment from governmental authorities. The Minister of the Environment bestows licenses to initiate activities that entail environmental risk. He can fine any individual or corporation whose activities may result in potential or actual environmental harm that has failed to warn about it to governmental, municipal or provincial authorities.

There is a legal provision about a mandatory National Plan for Land Use regarding economic, social and ecological zoning. Aspects that must be taken into account are “capacity of use of the systems, protection of the environment, respect to ancestral property of communal lands, conservation of natural resources and natural heritage. The plan must coincide with the balanced development of regions and physical organization of the spaces”. Such a plan has not being drafted or approved. In any case, its “mandatory application” might not result in any hindrance or impedance to the legitimate endeavor of individuals or corporations in agriculture activities. In the other hand, pursuant the Criminal Code a category of “exclusive agriculture use” would preclude lands so designed from being illegally switched to other uses.

Other issues to be discussed in this section are pesticides, agricultural practices that damage the environment, wildlife, biodiversity, carbon sequestration, ozone depletion, and environmental impact of capital investments.

### **2. Use of pesticides**

The Minister of Agriculture keeps the Register of pesticides and he may forbid to enter on this Register any pesticide that could cause damage the environment. The effect of the lack of inscription is that the pesticide can not be traded in Ecuador. Besides, the persistent use of pesticides prohibited in Ecuador or prohibited for internal sale in the country that manufactures it could originate a procedure leading to expropriation of farmland. The ministry periodically publicizes the actual list of registered pesticides.

Municipalities are given authority to charge rates on water effluents, to make sure that it is not polluting the environment. Pollution of waters or lands, that causes damages to the environment, including wildlife or human health, is prohibited by the Law of Waters and condemned by the Criminal Code.

### **3. Restrictions on exports of endangered species of flora and fauna, according to CITES regime**

Export of endangered wildlife is forbidden. The law refers this restriction to the Convention on international trade of endangered species of flora and fauna (CITES) that establishes lists and commercial restrictions for species officially included in it. Forestry authorities have been publishing a list of endangered species of fauna and flora that does not follow the standard procedures of the CITES Convention.

#### **4. Legislation on biological diversity. Regulation on commerce of genetically modified living organisms**

The Convention on Biological Diversity is mandatory in Ecuador. It says that the country has sovereign rights on national biodiversity. The law declares national biodiversity as public domain of the State. Those provisions do not affect private property on flora and fauna found within the boundaries of private lands. In the other hand, it also means that no individual or corporation can appropriate genetic resources without due compliance with established procedures, that are mainly determined by a couple of Andean Community statutes. Ecuador is a signatory of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity. The stated objective of the Protocol is to ensure “safe transfer, handling and use of living modified organisms resulting from modern biotechnology”, to avoid adverse effects on biodiversity and human health. It establishes the procedures that may be carried on for import of living modified organisms regarding “advance informed agreement procedure”. The procedures of the Protocol address three different imports of modified living organisms for: 1. direct use as food or feed, or for processing; 2. Contained use; and 3. Intentional introduction of genetic modified organisms into the environment. The Minister of the Environment regulates through biosafety measures the propagation, experimentation, use, commercialization and imports of genetically modified living organisms. Genetically modified products for human or livestock consumption must carry a distinct warning on its label.

#### **5. Forest sustainable management and carbon sequestration trading certificates, pursuing the Climate Convention and the Protocol of Kyoto**

The Protocol of Kyoto to the Climate Convention authorizes mechanisms for reduction of atmospheric carbon known as **clean development, joint implementation, and emissions trading, as well as the issue of certified emissions reductions (CERs)**. Even if some additional clarification must still to be made on this scheme at the international level, it is expected that forest plantations could benefit from those initiatives in the **medium term**

#### **6. Ozone layer protection. Substitution of use of metyl bromure in flower plantations Investments and the environment**

The Ministry of Foreign Trade has been working a few years now on conversion of industrial plants to new machinery and manufacture systems that use chemicals that do not harm the ozone layer. Now it has initiated a project to substitute the use of metyl bromure on flower plantations. The project offers significant benefits to farms that are a party to it.

According to the law on investments, national and foreign investors must conserve, preserve, and thoroughly restore environmental harm and damage to natural resources caused by their activities. Pursuant this provision COMEXI has powers to forbid partially or completely the operation of an enterprise that is harming the environment and does depredate natural resources.

### **VIII. TAXATION SYSTEM ON AGRICULTURAL PRODUCTION AND TRADE. LAND TAXATION**

#### **1. Imports and exports taxes and tariff of agricultural products and inputs**

Ecuadorian exports, with the exception of hydrocarbons, are free of any tax. Only the law can establish procedures and payment of duties for export. Pursuant the law “imports (may only be subject to) ... tariffs, in case it is legally prescribed, the value added tax (IVA), the special consumes tax, the provisory compensatory or anti-dumping rights or the application of temporary measures of safeguard that could be adopted in order to prevent unfair commercial practices in the framework of the World Trade Organization (WTO) regulations; plus the rates of the services effectively rendered”.

## **2. Subsidies allowed by the WTO (for environmental protection purposes)**

Government subsidies to agriculture are not allowed under WTO, but governmental backing to install environmental protection systems is an acceptable subsidy and can not be questioned by third parties.

## **3. Agricultural and rural property tax**

Rural property pay taxes to the municipalities at rates that are different of those paid by urban property. The assessment of the value of the farm includes land, buildings, machinery, live-stock, water sources, natural and planted forest and whatever crops. Industrial facilities within the farmland are subject to special rules. The governmental agency DINAC is charged with the assessment of rural property. Municipalities also tax the transfer of properties.

## **4. Tax exemptions according to rules for regional developments.**

There is a few statutes pointed specifically to some provinces or regions that enjoy diverse tax exceptions. The law authorizes to the President of the Nation to concede special tax regimes to less developed regions.

## **5. Special contributions on betterment**

Municipalities and Provincial Counsels may charge a contribution to properties that are beneficiaries of public works in order to cover the costs of those works, along determined periods. In expropriation of lands for roads and highways, assessment of the fair value of the property should discount the value of betterment brought in by the public works.

# **IX. AGRICULTURAL PRODUCTION AND TRADE FINANCING AND CREDIT**

## **1. Guaranties for investments**

Foreign investment of capital in agriculture, or for the matter any other foreign investment, does not need previous governmental authorization. The only exceptions are investments in fields considered as “strategic”, have not a known definition on any legal statute. Still areas are generally seen as “strategic” are public service utilities as well as activities related to exploitation and commercialization of hydrocarbons and its products, most of it owned and managed by the government. Foreign capital can take advantage of the tariff preferences system set within the framework of the Andean Community. There are no restrictions to transfer of profits and capitals abroad. Investments over half a million dollars per individual enjoy “tax stability” guaranteed for a period of up to twenty years. Notwithstanding, any reduction of taxes will still benefit investors. They could ask the Ministry of Foreign Commerce to guarantee the terms of the investment in a special contract. Any dispute between investors and the government could be submitted to arbitration tribunals recognized by Ecuador in international conventions.

## **2. Commercial and governmental loans**

Any investor, be it foreign or national, is entitled to apply and receive loans from national banks and institutions of credit. They can as well receive credit from the governmental institutions of credit, including Banco Nacional de Fomento. The latter, however, has limited its credits to small farmers, which can apply for loans not exceeding US \$ 4,000.

## **3. Stock exchange systems. “Bolsa de Productos Agropecuarios”**

Investors can also look for financing through commercial securities negotiated in the stock markets legally established in the country. The “stock exchange for agriculture and livestock products” (Bolsa Nacional de Productos Agropecuarios) is a non-profit corporation authorized by Executive Decree in 1986. Ministerial “accord” of 1986 from the Secretary of Agriculture mandated that all cocoa for export had to be traded through this exchange—Bolsa Nacional de Productos Agropecuarios. Later, this forcible trading previous to exportation has also covered rice and also the allocation of quotas of import issued through the tariff contingencies (*Vid supra*).

Transfer of company stock among foreigners must be registered at the Central Bank, exclusively for information purposes.

## **4. Agricultural gage**

Law determines a special collateral called agricultural gage (*prenda agrícola*). It is a contract that guarantees a principal and establishes a lien on machinery, animals, and a number of goods of a farm and a lien to harvests. In this gage the pledged goods remain with the debtor. If the farm is mortgaged to a third party it is required his assent to enter a lien on future harvests. This assent is also necessary for a gage on goods that are adhered to the land. Those contracts must be recorded at the Mercantile Register (*Registro Mercantil*). Liens on livestock must also be inscribed on this Register. The title to the gage may be endorsed to third parties.

# **X. CONTRACT LAW AS APPLIED TO AGRICULTURAL PRODUCTION AND TRADE**

## **1. Property transfer and lease of private land for agriculture**

There is no any restriction to transfer of rural property. Property transfer and lease of farmlands fall under general provision for landed property found on the Ecuadorian Civil Code. A couple of special provisions regarding rural real property are: 1. The transfer of a farm, includes the objects found in it necessities to work the farm. 2. Farm land can be transferred as a measured surface (*cabida*) or as a whole (*cuero cierto*). In the latter case, the transfer is valid no matter what the actual surface of the land is. Unless otherwise expressed in the contract, rent of landed property is paid annually.

Lease of rural property, as a legal contract provided for in the Civil Code is considered as “direct work” because it presupposes a certain risk to the owner of the land. Therefore, lease of rural land to third parties is not considered a cause for expropriation of the land.

## **2. Corporations, partnerships, associations and joint ventures. Associations for agricultural production after the Law of Agrarian Development**

Foreign corporations may endeavor in agricultural activities in Ecuador. Their operation in this country is subject to certain procedures pursuant the Law of Companies. Ecuadorian law considers joint ventures as simple associations that do not have any effect on the individual responsibility of the individual partners. Still, joint ventures must be inscribed in the Register of associations at the Superintendencia de Compañías. Any contract of association in order to

work the land, is a valid one as far as it is addressed in the civil code, the mercantile code, and the law of companies or in any legal Ecuadorian statute. Those contracts include corporations, partnerships, associations, and joint ventures found in the Law of Companies.

### **3. Production contracts with agricultural workers**

As mentioned *supra* contracts to work the land addressed by any legal statute are valid, as far as the owner of the land is taking risks in the agricultural production. It includes association of the owner with workers as far as those contracts are not a disguised lease to peasants paid for with a fraction of the harvests.

### **4. Contracts of franchise, mercantile trust, factoring, joint venture. Contracts and market for futures**

Some contracts for agricultural products widely used abroad, like derivatives, are not expressly regulated by the Ecuadorian law or have a widely developed market. In the other hand, those contracts are not forbidden either. Let mention among those, forwards, swaps of commodities, options (call, put), and futures. Most of those operations fall under the provisions of the Law of the Market of Securities and its by-laws.

### **5. Settlement of disputes and arbitration**

Any contract may include an arbitration clause submitting the parties to the accorded arbitration procedure. Arbitration can also be agreed upon after the contract has been entered, during and after its execution. Foreign individuals or corporation can enter international arbitration clauses, provided the other party agree on it. Those engagements are mandatory for the parties and fully enforceable at the Ecuadorian courts.

## **XII. LEGAL REFERENCES**

### **AGUAS**

DS. 369. Ley de Aguas. RO 69 del 20 de mayo de 1972. **REFORMA:** DS. 253. Refórmase el Art. 18 de la Ley de Aguas. RO. 267 del 19 de marzo de 1973.

DS. 40. Reglamento de la Ley de Aguas. RO 233 del 26 de enero de 1973. **REFORMA:** DE. 290. Sustitúyese el texto del literal g) del Art. 72 del Reglamento General para la Aplicación de la Ley de Aguas. RO 69, 18 de Noviembre de 1998.

Reglamento para la Prevención y Control de la Contaminación Ambiental, en lo relativo al recurso agua. RO 204, del 5 de junio de 1989.

DE 2224. Expídese la "Organización del Régimen Institucional de Aguas". Suplemento RO 558 del 28 de octubre de 1994. **REFORMA :** DE. 745. Refórmase la Organización del Régimen Institucional de Aguas. Suplemento RO 182 del 28 de octubre de 1997; DE 2909. **REFORMA:** Modifícase el Decreto Ejecutivo N° 2224 de 25 de octubre de 1994. RO 749 del 31 de julio de 1995; DE 323. Modifícanse los Decretos Ejecutivos Nos. 2224 de 25 de octubre de 1994 y 251 de 13 de febrero de 1995, referentes a la Organización del Régimen Institucional de Aguas. RO 72 del 20 de noviembre de 1996; DE. 745. **REFORMA:** Refórmase la Organización del Régimen Institucional de Aguas. Suplemento RO 182 del 28 de octubre de 1997. **REFORMA:** DE 1661 Modifícase el Decreto Ejecutivo 2224, publicado en el Suplemento del Registro Oficial 558 de 28 de octubre de 1994, que contiene la "Organización del Régimen Institucional de Aguas". S RO N° 357 10 de Enero de 2000

R. 98-009 (Consejo Nacional de Recursos Hídricos –CNRH). Determinanse las atribuciones con las que funcionará el Consejo Nacional de Recursos Hídricos. RO 75, 26 de Noviembre de 1998.

A. 255 Apruébase la conformación de "Asociaciones de directorios de aguas de las acequias particulares" las que se constituirán con personalidad jurídica. RO N° 180, 10 de Octubre de 2000.

### **ARANCELARIO**

A. 54 (Ministerios de Agricultura, Finanzas y Comercio Exterior). Expídense las normas para la distribución y manejo de contingentes arancelarios para productos agropecuarios. RO No 131, 18 de Febrero de 1999.

### **ARROZ**

A. 093 Designase a la Corporación Bolsa Nacional de Productos Agropecuarios como el ente imparcial para registrar las operaciones de importación y exportación de arroz. RO N° 76, 12 de Mayo de 2000.

### **BANANO**

L. Ley para Estimular y Controlar la Producción y Comercialización del Banano. RO 124 del 6 de agosto de 1997. **REFORMA.** L. 86. Ley Reformatoria a la Ley para Estimular y Controlar la Producción y Comercialización del Banano. Suplemento RO 323, 22 de Mayo de 1998.



DE. 845. Expídese el Reglamento a la Ley para estimular y controlar la producción y comercialización del banano y plátano exportable. RO 199 del 21 de noviembre de 1997.

DE. 2294. Prohíbese realizar nuevas siembras de banano, correspondiéndole al Programa Nacional del Banano velar por el estricto cumplimiento de la presente disposición. Suplemento RO 573 del 22 de noviembre de 1994.

A. 010 (Ministerios de Agricultura y de Comercio Exterior). Déjase sin efecto el Acuerdo Interministerial N° 317, publicado en el Suplemento del Registro Oficial N° 376 del 5 de agosto de 1998 (que autorizó nuevas siembras de banano). RO 24, 11 de septiembre de 1998.

DE 395. Expídese el Reglamento a la Ley para estimular y controlar la producción y comercialización del banano, plátano (barraganete) y otras musáceas afines, destinadas a la exportación. RO No 88, 31 de Mayo de 2000. REFORMA. DE 858. Refórmase el Decreto Ejecutivo No 395 de 19 de mayo de 2000. RO N° 186, 18 de Octubre de 2000. REFORMA: Reformas al Reglamento a la Ley para Estimular y Controlar la Producción y Comercialización de Banano, Plátano (barraganete) y otras Musáceas Afines Destinadas a la Exportación, en función de la Ley reformativa N° 99-48, RO N° 24, 6 de agosto de 1997. RO Y FECHA???

## **BOLSA NACIONAL DE PRODUCTOS AGROPECUARIOS**

DE 1425. Créase la Corporación Bolsa Nacional de Productos Agropecuarios, como persona jurídica de derecho privado y sin fin de lucro. RO 347, 3 de enero de 1986.

A. Dispónese que el cacao en grano podrá negociarse en la Corporación Bolsa Nacional de Productos Agropecuarios dentro de las Normas de Calidad que constan anexas y forma parte integrante del presente Acuerdo. RO 585, 16 de diciembre de 1986.

A. 54 (Ministerios de Agricultura, Finanzas y Comercio Exterior). Expídense las normas para la distribución y manejo de contingentes arancelarios para productos agropecuarios. RO No 131, 18 de Febrero de 1999.

A. 093 Designase a la Corporación Bolsa Nacional de Productos Agropecuarios como el ente imparcial para registrar las operaciones de importación y exportación de arroz. RO N° 76, 12 de Mayo de 2000.

## **CACAO**

A. Dispónese que el cacao en grano podrá negociarse en la Corporación Bolsa Nacional de Productos Agropecuarios dentro de las Normas de Calidad que constan anexas y forma parte integrante del presente Acuerdo. RO 585, 16 de diciembre de 1986.

## **CAFÉ**

L. Ley Especial del Sector Cafetalero. RO 657 del 20 de marzo de 1995.

## **COMERCIALIZACIÓN**

Código de Comercio.

DE. 372 Expídese el Reglamento de la Ley para el Fomento de la Producción de Bienes y Desarrollo del Sector Agropecuario de la provincia de Chimborazo. RO 82, 7 de Diciembre de 1998.

L. 12. Ley de Comercio Exterior e Inversiones "Lexi". RO 82 del 9 de junio de 1997. REFORMA: L. 24. Ley Reformatoria a la Ley de Comercio Exterior e Inversiones. RO 165 del 2 de octubre de 1997. Ley Reformatoria a la Ley de Comercio Exterior e Inversiones, LEXI. RO N° 156, 25 de Marzo de 1999.

R. 052 (Consejo de Comercio Exterior e Inversiones -COMEXI). Expídense las normas y procedimientos para la aplicación de medidas que permitan prevenir y contrarrestar los efectos negativos provocados por las prácticas desleales de comercio o por el incremento de las importaciones en condiciones tales que causan o amenazan causar daño grave a la producción nacional. RO No 70, 4 de mayo de 2000.

## **CONCERTACIÓN**

A. 044 (Ministerio de Agricultura). Establécese el Comité de Concertación Agropecuaria de la Cadena Agroalimentaria Maíz-Avicultura. RO 36, 29 de septiembre de 1998.

A. 166 (Ministerio de Agricultura). Modifícase el Acuerdo Ministerial No 007, expedido el 26 de agosto de 1998. (Reestructuración del Consejo Consultivo - Comité de Concertación Agropecuaria de la Cadena Agroindustrial del Arroz, creado por A 0007, del 26 de agosto de 1998). RO N° 188, 11 de Mayo de 1999.

A. 229 (Ministerio de Agricultura). Establécese el Comité de Concertación de la Cadena Agroalimentaria de la Carne - Consejo Consultivo. RO N° 230. 9 de Julio de 1999.

A. 230 Establécese el Comité de Concertación de la Cadena Agroalimentaria del Plátano, Orito y Morado - Consejo Consultivo. RO N° 230, 9 de Julio de 1999.

318 Establécese el Consejo Consultivo de la Cadena Agroalimentaria de la Papa, como instrumento de concertación entre el sector público y privado relacionados con la producción, comercialización, industrialización y comercio exterior de la papa. RO No 285, 27 de Septiembre de 1999.

319 Establécese el Consejo Consultivo de la Cadena Agroalimentaria de la Carne, como instrumento de concertación entre el sector público y privado relacionados con la producción, comercialización, industrialización y comercio exterior de la carne. RO N° 285, 27 de Septiembre de 1999.

A. 399 (Ministerio de Agricultura). Constitúyese el Consejo Consultivo para estimular y controlar la producción y comercialización del banano, plátano (barraganete) y otras musáceas atines, destinadas a la exportación. RO N° 355, 6 de Enero de 2000.

A. 049 Ratificase por el lapso de un año la vigencia de los Consejos Consultivos. RO N° 41 22 de Marzo de 2000.

050 Establécese el Consejo Consultivo de la Horticultura y de la Fruticultura, como instrumento de concertación entre el sector público y privado relacionados con la producción, procesamiento y comercialización de hortalizas y frutales. RO N° 41, 22 de Marzo de 2000.

A. 134 (Ministerio de Agricultura). Establécese el Consejo Consultivo de la Floricultura, como instrumento de concertación entre el sector público y privado relacionado con la producción, el manejo post-cosecha y la comercialización de las flores. RO No 108, 28 de Junio de 2000.

L. 2000-21. Ley Orgánica de Defensa del Consumidor. S RO N° 116, 10 de Julio de 2000.

## **DIVERSIDAD BIOLÓGICA**

Convenio internacional para la Protección de las Obtenciones Vegetales de 2 de diciembre de 1961, revisada en Ginebra el 10 de noviembre de 1972, el 23 de octubre de 1978 y el 19 de marzo de 1991. RO 109, 16 de julio de 1997.

Convenio. Convenio sobre la Diversidad Biológica. RO 647 del 6 de marzo de 1995.

Dec. 391. Régimen Común sobre Acceso a los Recursos Genéticos. Suplemento RO 5 del 16 de agosto de 1996. FE DE ERRATAS: Gaceta Oficial N° 305. Decisión 423. Modificación de la Octava Disposición Transitoria de la Decisión 391: Régimen Común sobre Acceso a los Recursos Genéticos. RO 249, 3 de Febrero de 1998.

L. 3. Ley que protege la biodiversidad en el Ecuador. RO 35 del 27 de septiembre de 1996.

Dec. 414. (Junta del Acuerdo de Cartagena). Adopción del modo referencial de solicitud de acceso a recursos genéticos. RO 52 del 23 de octubre de 1996.

R. Apruébase la adhesión al Convenio Internacional para la Protección de las Obtenciones Vegetales (UPOV). RO 70 del 22 de mayo de 1997.

FE DE ERRATAS: Gaceta Oficial N° 305. Decisión 423. Modificación de la Octava Disposición Transitoria de la Decisión 391: Régimen Común sobre Acceso a los Recursos Genéticos. RO 249, 3 de Febrero de 1998.

R. 142 Dictamen 39-98 de cumplimiento por parte del Gobierno de Bolivia respecto de obligaciones derivadas de la Decisión 391 sobre Régimen Común sobre Acceso a los Recursos Genéticos. RO N° 100, 4 de Enero de 1999.

## **EXPORTACIONES**

DE 409-A. Normas para la aplicación del Mecanismo de Ajustes Arancelarios para las importaciones de productos agropecuarios y sus derivados. (Art. 16. Elimínase todas las restricciones no arancelarias a las importaciones y exportaciones de los productos sujetos a este mecanismo, excepto las establecidas por leyes especiales). RO 103 del 8 de enero de 1993.

L. 147. Ley de Facilitación de las Exportaciones y del Transporte Acuático. RO 901 del 25 de marzo de 1992. REFORMA L. 73. Ley Reformatoria de la Ley de Facilitación de Exportaciones y del Transporte Acuático. Suplemento RO 574 del 23 de noviembre de 1994. REFORMA: (constante en: L. Codificación de la Ley de Desarrollo Agrario. RO 55 del 30 de abril de 1997).

DE 3431. Reglamento a la Ley de Facilitación de las Exportaciones y del Transporte Acuático. RO 3431 del 12 de junio de 1992.

Regulación 026-99. Venta de divisas provenientes de Exportaciones. RO N° 153, 22 de Marzo de 1999.

## **FLORICULTURA**

A. 0025. Expídese el Reglamento de Uso y Aplicación de Plaguicidas en las plantaciones dedicadas al cultivo de flores. RO. 623 del 31 de enero de 1995.

O. Cantón Cayambe. Que reforma a la Ordenanza para el manejo y control ambiental de las floriculturas. Suplemento RO 66 del 12 de noviembre de 1996.

## **FORESTAL**

L. 74. Ley Forestal y de Conservación de Áreas Naturales y Vida Silvestre. RO 64, 24 de agosto de 1981. REFORMA: L. 91. Ley Reformatoria de la Ley Forestal y de Conservación de Áreas Naturales y Vida Silvestre. RO 495, 7 de agosto de 1990.

DE. 1529. Reglamento General de Aplicación de la Ley Forestal y de Conservación de Áreas Naturales y Vida Silvestre. RO 436, 22 de febrero de 1983. REFORMA: DE. 857. Reformas al Reglamento General de Aplicación de la Ley Forestal y de Conservación de Áreas Naturales y Vida Silvestre. REFORMA: DE. 2804. Modifícase el Reglamento General de Aplicación de la Ley Forestal y de Conservación de Áreas Naturales y Vida Silvestre. RO 667, 16 de abril de 1987. REFORMA: A 887. Refórmase el DE 2804 del 8 de abril de 1987 mediante el cual se reformó el Reglamento de la Ley Forestal. RO 263 del 29 agosto de 1989. REFORMA: DE. 346. Refórmase el Reglamento General de Aplicación de la Ley Forestal y de Conservación de Areas Naturales y Vida Silvestre, expedido mediante Decreto Ejecutivo 1529, publicado en el Registro Oficial 436 del 22 de febrero de 1983. RO N° 73, 9 de Mayo de 2000.

L. 08. Ley de Creación del Instituto Ecuatoriano Forestal y de Áreas Naturales y Vida Silvestre (INEFÁN). RO 27, 16 de septiembre de 1992.

DE. 408. Expídese el Reglamento de Aplicación de la Ley de creación del Instituto Ecuatoriano Forestal y de Áreas Naturales y Vida Silvestre (INEFÁN). RO 105, 12 de enero de 1993.

R. 0002 (INEFÁN). Expídese la normativa para la adjudicación de áreas del Patrimonio Forestal del Estado, en favor de empresas industriales madereras nacionales. RO 976 del 27 de junio de 1996.

R. 010. Modifícase la Resolución N° 001 de 24 de abril de 1996 (Delimitación de posesión ancestral en patrimonio forestal). RO 29 del 19 de septiembre de 1996.

R-RE-034. Déjase sin efecto temporalmente la veda a explotaciones forestales en la provincia de Sucumbíos. RO 172 del 14 de octubre de 1997

A. 50 (Ministerio del Ambiente). Emítase la Normativa para el manejo forestal sustentable para aprovechamiento de madera en bosque húmedo plantaciones forestales. RO N° 126, 24 de Julio de 2000.

DE 1102. Expídense disposiciones relativas a la protección, conservación y manejo del recurso manglar. RO 243, 28 de julio de 1999.

## **GARANTÍAS A LA PRODUCCIÓN Y AL COMERCIO**

L. 46. Ley de Promoción y Garantía de las inversiones. RO 219 del 19 de diciembre de 1997.

(Asamblea Nacional Constituyente). Expídense la Constitución Política de la República del Ecuador. RO 1, 11 de agosto de 1998.

## **IMPORTACIONES**

DE 409-A. Normas para la aplicación del Mecanismo de Ajustes Arancelarios para las importaciones de productos agropecuarios y sus derivados. (Art. 16. Elimínase todas las restricciones no arancelarias a las importaciones y exportaciones de los productos sujetos a este mecanismo, excepto las establecidas por leyes especiales). RO 103 del 8 de enero de 1993.

R. 0000008. Expídense las Regulaciones para la calificación de las maquinarias y equipos destinados a la protección ambiental y recuperación ecológica. RO 559 del 31 de octubre de 1994. FE DE ERRATAS. (Donde dice: que mediante Ley N° 05, debe decir: "Que mediante Ley N° 51). RO 594 del 21 de diciembre de 1994.

A. 059 (Ministerio de Agricultura). Establécense los parámetros que deben cumplir las empresas importadoras de productos lácteos, previo a la solicitud de permisos de importación. RO 46, 14 de Octubre de 1998.

A. 060 (Ministerio de Agricultura). Establécense los parámetros que deben cumplir las empresas importadoras de carne de aves, previo a la solicitud, de permisos de importación. RO 46, 14 de Octubre de 1998.

A. 54 (Ministerios de Agricultura, Finanzas y Comercio Exterior). Expídense las normas para la distribución y manejo de contingentes arancelarios para productos agropecuarios. RO No 131, 18 de Febrero de 1999.

A. 001 (Ministerio de Agricultura). Expídense el Reglamento para facilitar la importación y el uso de los insumos agropecuarios. RO N° 22, 22 de Febrero de 2000.

## **INSTITUCIONAL**

Código de Salud.

L. 61. Ley Reformatoria a la Ley de Centros Agrícolas y Cámaras de Agricultura. RO 501 del 9 de agosto de 1994. REFORMA. L. 98-04 Ley Reformatoria a la Ley de Centros Agrícolas y Cámaras de Agricultura. RO 7, 19 de agosto de 1998.

L. 12. Ley de Comercio Exterior e Inversiones "Lexi". RO 82 del 9 de junio de 1997. REFORMA: L. 24. Ley Reformatoria a la Ley de Comercio Exterior e Inversiones. RO 165 del 2 de octubre de 1997. REFORMA: Ley Reformatoria a la Ley de Comercio Exterior e Inversiones , LEXI. RO N° 156, 25 de Marzo de 1999.

A. 0330. Apruébase los Estatutos de la Corporación de Promoción de Exportaciones e Inversiones CORPEI. Suplemento RO 213 del 11 de diciembre de 1997.

## **INVERSIONES**

DE 2501. Reglamento para la Aplicación del Régimen Común de Tratamiento a los Capitales Extranjeros y sobre Marcas, Patentes, Licencias y Regalías. RO 706 del 17 de junio de 1991.

Ley de Modernización

L. 46. Ley de Promoción y Garantía de las inversiones. RO 219 del 19 de diciembre de 1997.

L. 12. Ley de Comercio Exterior e Inversiones "Lexi". RO 82 del 9 de junio de 1997. REFORMA: L. 24. Ley Reformatoria a la Ley de Comercio Exterior e Inversiones. RO 165 del 2

de octubre de 1997. Ley Reformatoria a la Ley de Comercio Exterior e Inversiones , LEXI. RO N° 156, 25 de Marzo de 1999.

L. Ley de Arbitraje y Mediación. RO 145 del 4 de septiembre de 1997.

L. 107. Ley de Mercado de Valores. RO 367, 23 de julio de 1998.

DE. 1525. Expídese el Reglamento de la Ley de Promoción y Garantía de las Inversiones [Incluye Título VII, sobre la Conservación de los Recursos Naturales y del cuidado del medio ambiente: daños al medio ambiente y recursos naturales por empresas públicas y privadas]. RO 346, 24 de junio de 1998.

DL. 690. Promúlgase la Ley para la Promoción de la Inversión y de la Participación Ciudadana. Suplemento RO 144, 18 agosto de 2000.

## **INSUMOS AGRÍCOLAS**

A. 0095. Apruébase y adóptase el Manual de Requisitos Fitosanitarios para la introducción al Ecuador de semillas y otros. RO 657 del 20 de marzo de 1995.

A. 001 (Ministerio de Agricultura). Expídese el Reglamento para facilitar la importación y el uso de los insumos agropecuarios. RO N° 22, 22 de Febrero de 2000.

## **LABORAL**

DE. 2993. Reglamento de Seguridad y Salud de los Trabajadores y Mejoramiento del Medio Ambiente de Trabajo. RO 564, 17 de noviembre de 1986.

DE. 139. Reglamento sobre el pago de remuneraciones adicionales y demás beneficios a los trabajadores. RO 35, 28 de 1992.

Codificación del Código del Trabajo. RO 162, 29 de septiembre de 1997. (con reformas).

R. 0151 (Servicio de Rentas Internas -SRI). Dispónese que para las compras realizadas a personas naturales de productos agrícolas y pecuarios de producción nacional, no procede retención en la fuente de impuesto a la renta. RO N° 67, 28 de Abril de 2000.

0254 Dispónese que el monto total de las indemnizaciones entregadas a las personas naturales, en razón de la terminación, bajo cualquier modalidad, de sus relaciones laborales, constituyen ingresos gravados con impuesto a la renta.

## **LEY DE DESARROLLO AGRARIO**

Ley de Fomento y Desarrollo Agropecuario.

L. 54. Ley de Desarrollo Agrario. Suplemento RO 461, 14 de junio de 1994.

DE. 2099. Reglamento General de la Ley de Desarrollo Agrario. Segundo suplemento RO 524 del 12 de septiembre de 1994.

R 069-95-CP del 8 de marzo de 1995. El TGC declara la inconstitucionalidad del Art. 55 de la Ley reformativa de la Ley de Desarrollo Agrario, por contrariar el Art. 48 de la Constitución (Se declaran terminados los derechos mineros en tierras de propiedad privada). RO



R. 001 (INEFÁN). Disposiciones para la aplicación de los Artículos 36 y 37 de la Ley de Desarrollo Agrario. RO 965 del 12 de junio de 1996.

R. 001 (INEFÁN). Disposiciones para la aplicación del Art.36 de la Ley de Desarrollo Agrario y el Art. 60 de su Reglamento General. RO 976 del 27 de junio de 1996.

DE. 3102. Expídese el Reglamento para la aplicación del inciso segundo del art. 32 de la Ley de Desarrollo Agrario (autorización para concesión minera). RO 794 del 3 de octubre de 1995.

L. Codificación de la Ley de Desarrollo Agrario. RO 55 del 30 de abril de 1997.

## **MEDIO AMBIENTE**

A. Expídese el Reglamento de Saneamiento Ambiental Bananero. RO 406 del 24 de marzo de 1994.

A. 0025. Expídese el Reglamento de Uso y Aplicación de Plaguicidas en las plantaciones dedicadas al cultivo de flores. RO. 623 del 31 de enero de 1995.

DE. 2294. Prohíbese realizar nuevas siembras de banano, correspondiéndole al Programa Nacional del Banano velar por el estricto cumplimiento de la presente disposición. Suplemento RO 573 del 22 de noviembre de 1994.

O. Cantón Cayambe. Que reforma a la Ordenanza para el manejo y control ambiental de las floriculturas. Suplemento RO 66 del 12 de noviembre de 1996.

A. 232 (Ministerio de Agricultura). Apruébase la política ambiental para el sector Agropecuario. RO 38, 1 de Octubre 1998.

L. 99-37. Ley de Gestión Ambiental. RO 245, 30 de julio de 1999.

L. 99-49. Ley Reformatoria al Código Penal. (Arts. 389, 349, 408). RO 2, 25 de enero de 2000.

## **ORGANIZACIÓN MUNDIAL DE COMERCIO (OMC)**

Resolución Legislativa. Ratifícase el Protocolo de Adhesión del Ecuador a la Organización Mundial del Comercio (OMC), suscrito en Ginebra, Suiza. RO 853 del 2 de enero de 1996.

Protocolo de Adhesión de la República del Ecuador al Acuerdo por el que se establece la Organización Mundial de Comercio. Suplemento RO 853 del 2 de enero de 1996.

Acuerdo por el que se establece la Organización Mundial del Comercio (Texto del Acuerdo). Suplemento RO 853 del 2 de enero de 1996.

Acuerdo General sobre aranceles aduaneros y Comercio (GATT de 1947). Ministerio de Relaciones Exteriores. Suplemento RO 987 del 12 de julio de 1996.

DE. 3333. Ratifícase el "Protocolo de Adhesión del Ecuador al Acuerdo por el que se establece la Organización Mundial del Comercio" suscrito en Ginebra el 16 de agosto de 1995. RO 852 del 29 de diciembre de 1995.

## PLAGUICIDAS

- L. 73. Ley para la Formulación, Fabricación, Importación, Comercialización y Empleo de Plaguicidas y Productos Afines de Uso Agrícola. RO 442, 22 de mayo de 1990.
- DE. 939. Expídese el Reglamento General de Plaguicidas y Productos Afines de uso Agrícola. RO 233 del 15 de julio de 1993.
- A. Expídese el Reglamento de Saneamiento Ambiental Bananero (Utilización de plaguicidas en las plantaciones bananeras). RO 406 del 24 de marzo de 1994.
- A. 0300. Autorízase la publicación de los plaguicidas registrados en el Programa de Sanidad Vegetal de este Portafolio. Suplemento RO 523 del 9 de septiembre de 1994.
- A. 0025. Expídese el Reglamento de Uso y Aplicación de Plaguicidas en las plantaciones dedicadas al cultivo de flores. RO. 623 del 31 de enero de 1995.
- A. 219. NTE INEN 1913. Plaguicidas (Norma técnica). RO 1003 del 5 de agosto de 1996.
- A. (Ministerio de Comercio Exterior). 324 NTE INEN 2 078. Plaguicidas. Eliminación de residuos-sobrantes y de envases (Obligatoria). Suplemento RO 376, 5 de agosto de 1998.
- A. (Ministerio de Comercio Exterior). 325 NTE INEN 2 168. Plaguicidas. Muestreo (Opcional). Suplemento RO 376, 5 de agosto de 1998.
- A. (Ministerio de Comercio Exterior). 326 NTE INEN 1838. Plaguicidas y productos afines (Opcional). Suplemento RO 376, 5 de agosto de 1998.
- A. (Ministerio de Comercio Exterior). 324 NTE INEN 2 078. Plaguicidas. Eliminación de residuos-sobrantes y de envases (Obligatoria). Suplemento RO 376, 5 de agosto de 1998.
- A. (Ministerio de Comercio Exterior). 325 NTE INEN 2 168. Plaguicidas. Muestreo (Opcional). Suplemento RO 376, 5 de agosto de 1998.
- A. (Ministerio de Comercio Exterior). 326 NTE INEN 1838. Plaguicidas y productos afines (Opcional). Suplemento RO 376, 5 de agosto de 1998.
- DE. 212. Créase el Régimen Nacional para la gestión de productos químicos peligrosos. RO 47, 15 de Octubre de 1998.
- A. 084 (Ministerios de Agricultura, Salud y Medio Ambiente). Dispónese que el Comité Técnico Nacional de Plaguicidas y Productos de Uso Veterinario realizara la emisión del Registro Unificado de todos los plaguicidas y productos de uso veterinario. RO No 140, 3 de Marzo de 1999.
- A. 300 (Ministerio de Agricultura). Créase el Comité Técnico para el Manejo Adecuado de Fungicidas para el control de Sigatoka Negra en banano y plátano COMTEC, con sede en la ciudad de Guayaquil. RO No 285, 27 de Septiembre de 1999.
- A. 011. (Ministerio de Agricultura). Dispónese la publicación de la lista de plaguicidas y productos atines de uso agrícola, registrados en el Servicio Ecuatoriano de Sanidad Agropecuaria RO N° 6, 31 de Enero de 2000

## **PRECIOS**

R. Precios de Referencia del Sistema Andino de Franjas de Precios para la primera quincena de noviembre de 1998, correspondientes a la Circular N° 87 del 19 de octubre de 1998. RO N° 100, 4 de Enero de 1999.

DE 1724. Defínese que los precios de los productos de primera necesidad, en los niveles que se encontraban vigentes al 31 de diciembre de 1999, serán determinados por el Ministerio de Estado de Agricultura y Ganadería, para los productos agropecuarios y por el Ministerio de Estado de Comercio Exterior, Industrialización, Pesca y Turismo, para los productos industriales. RO 4, 27 de Enero de 2000.

## **SANIDAD ANIMAL Y VEGETAL**

L. Ley de Sanidad Vegetal. RO 475, 18 de enero de 1974.

L. Ley de Sanidad Animal. RO 409, 31 de marzo de 1981.

A. 0434. Fusiónanse los Programas de Sanidad Animal y Sanidad Vegetal, bajo la denominación de Servicio Ecuatoriano de Sanidad Agropecuaria SESA. RO 578 del 29 de noviembre de 1994.

DE. 4146. Expídese el Reglamento General a la Ley de Sanidad Animal. Segundo suplemento RO 1.008 del 10 de agosto de 1996.

R. 431. (Junta del Acuerdo de Cartagena). Norma Andina sobre requisitos fitosanitarios de aplicación al comercio de productos agrícolas. RO 59 del 1° de noviembre de 1996.

A. 291. Dispónese el requisito de autorización previa por parte del Ministerio de Agricultura y Ganadería como medidas sanitarias y fitosanitarias, aplicables al Comercio Internacional de plantas, animales, productos y subproductos agropecuarios. RO 217 del 17 de diciembre de 1997.

R. 027. Glosario de términos y definiciones Fitosanitarias. RO 248, 2 de Febrero de 1998.

DE. 189. Expídese el Reglamento a la Ley de Sanidad Vegetal. Suplemento RO 40, 5 de Octubre de 1998.

Dictamen 41-98 de incumplimiento por parte del Gobierno de Perú en la inobservancia de la Resolución 431 de la Junta del Acuerdo de Cartagena que establece requisitos fitosanitarios aplicables al comercio de productos agrícolas. RO N° 10, 4 de Enero de 1999.

A. 092 (Ministerio de Agricultura). Decláranse zonas de observación a las provincias de: El Oro, Loja y Zamora Chinchipe, ante el posible apareamiento de la langosta (*Schistocerca* spp). RO N° 76, 12 de Mayo de 2000.

A. 162 (Ministerio de Agricultura). Prohíbese el ingreso y la utilización del patógeno *Fusarium oxysporum*, en todo el territorio nacional, a efecto de preservar la salud pública de los animales y el eco sistema en general. RO N° 140, 14 de Agosto de 2000.

A. 208 (Ministerio de Agricultura). Créase en el Servicio Ecuatoriano de Sanidad Agropecuaria - SESA, el Comité Técnico de Análisis de Riesgo de Plagas y Enfermedades. RO N° 153, 31 de Agosto de 2000.

A. 231 Levántase el estado de emergencia zoonosanitaria de la provincia de Galápagos. RO N° 230, 9 de Julio de 1999.

## **USO DE SUELOS –ZONIFICACIÓN**

DS 70. Se declara zona de interés nacional, la Cuenca del Río Guayas y Península de Santa Elena, para la tecnificación de la producción agraria, en las zonas en las cuales CEDEGE vaya a ejecutar obras consideradas prioritarias para el progreso del país. RO 144, 19 de enero de 1971. Reformado por Ley 162. RO 984, 22 de julio de 1992.

DE. 2294. Prohíbese realizar nuevas siembras de banano, correspondiéndole al Programa Nacional del Banano velar por el estricto cumplimiento de la presente disposición. Suplemento RO 573 del 22 de noviembre de 1994.

A. 00200. Amplíanse las coordenadas puntualizadas en el Acuerdo N° 125, publicado en el Registro Oficial N° 72 del 24 de noviembre de 1992 (Zona de interés nacional de la Cuenca del Río Guayas y de la Península de Santa Elena, para la tecnificación de la producción agraria -CEDEGE). RO 453 del 2 de junio de 1994.

DL 01. Ley de Zonas Francas. RO 625 del 19 de febrero de 1991. REFORMA: L. 07. Ley reformatoria a la Ley de Zonas Francas. Suplemento RO 462 del 15 de junio de 1994. REFORMA: L. 99-20. Ley Reformatoria a la Ley de Zonas Francas. S RO N° 149, 16 de Marzo de 1999.

DE 2710. Expídese el Reglamento a la Ley de Zonas Francas. RO 769 del 13 de septiembre de 1991.

R. 01. Expídese el Reglamento interno de funcionamiento del Consejo Nacional de Zonas Francas. RO 974 del 8 de julio de 1992.

R. 02. Expídese el Reglamento de Elección de los Representantes de las Empresas Administradoras y de los Usuarios de las zonas francas ante el CONAZOFRA. RO 974 del 8 de julio de 1992.

DE. 2294. Prohíbese realizar nuevas siembras de banano, correspondiéndole al Programa Nacional del Banano velar por el estricto cumplimiento de la presente disposición. Suplemento RO 573 del 22 de noviembre de 1994.

A. 218 (Ministerio de Agricultura). Levántanse las prohibiciones de enajenar, gravar y adjudicar sobre las Zonas de Intervención San Lorenzo y Playas del Proyecto Trasvase de Aguas del Río Daule a la Península de Santa Elena. RO N° 212, 15 de Junio de 1999.

219 Declárase zona de intervención el área del Canal Sube y Baja - Javita . RO N° 212, 15 de Junio de 1999.

A. 092 (Ministerio de Agricultura). Decláranse zonas de observación a las provincias de: El Oro, Loja y Zamora Chinchipe, ante el posible apareamiento de la langosta (*Schistocerca* spp). RO N° 76, 12 de Mayo de 2000.

## **SIGLAS EMPLEADAS EN LAS REFERENCIAS LEGALES**

A	Acuerdo
DE	Decreto Ejecutivo
DL	Decreto Legislativo
DS	Decreto Supremo
L	Ley
O	Ordenanza
R	Resolución